

### **REMARKS**

This Amendment amends independent claims 15, 16, 17, and 18 and adds new claim 32 in accordance with the original disclosure. Support for the claim amendments and new claim 32 is found, for example, in Figs. 1 and 2; in paragraph 0023; and canceled claims 1-14. Claims 15-18 and 24-32 are now present in this application.

#### **Rejections Under 35 U.S.C. § 112, second paragraph**

Claims 15-18 and 24-31 stand rejected for indefiniteness for the reasons set forth in paragraph 2 of the Office Action. As set forth above, Applicant has corrected the informalities cited by the Examiner. Therefore, reconsideration of the rejections of claims 15-18 and 24-31 for indefiniteness is respectfully requested.

#### **Rejections Under 35 U.S.C. § 103(a)**

Claims 15, 17, 25, and 26 stand rejected for obviousness over the teachings of U.S. Patent No. 4,953,852 to Donohue in view of U.S. Patent No. 4,693,443 to Drain and U.S. Patent No. 6,133,823 to Brown et al. In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Claim 15, as amended, is directed to an interactive computer-related stress relief device configured to be mounted on a desktop personal computer monitor of a computer system to relieve computer-related stress of a computer operator. The device comprises a substantially rigid support having a first end and a second end. The first end is connectable with the desktop personal computer monitor. A contact element in the form of a punching bag is connected at or near the second end of the support. The punching bag includes a sound-producing device inside the punching bag such that a pre-recorded sound is emitted when the punching bag is struck.

As described in the pending specification and shown in the drawings, the present invention is directed to a computer-related stress relief device in the form of a small punching bag that can be connected to the side of a desktop personal computer monitor without interfering with the use of the personal computer. When the computer operator feels stressed or frustrated, the operator can reach up and punch or strike the small punching bag to aid in relieving this stress. As should be appreciated by one skilled in the art, such a device would have to be relatively small and lightweight in order to be connected to the side of the

personal computer monitor so as to not interfere with normal operation of the computer system.

Donohue is directed to a conventional striking bag that can be suspended from a rebound board or platform fixed at such a height above the floor that an erect "boxer" can comfortably sustain a steady regular series of strikes on the bag (column 1, lines 5-19). The Donohue device comprises an inner inflatable bag and a second encasing bag. It is a feature of the Donohue device that the Donohue striking bag has performance characteristics such that satisfying volley (striking) activity can be maintained at a comfortable frequency even though the mass of the bag is less than that of a conventional punching bag (Donohue at column 2, lines 52-57).

Drain is directed to an apparatus for retaining sheet-like material with a retention force proportional to an imposed force tending to withdraw the retained element (column 1, lines 63-66). The Drain device includes a holder 10 having a rigid planar plate 22 connected to a back plate 20 through a flange 24. A plurality of interconnected rollers are located within the space defined by the back plate 20, flange 24, and planar plate 22. Any downward pull of paper 20 tends to exert a counterclockwise rotational movement on the rollers, which creates a compressive force upon the paper 12 (column 3, line 67 to column 4, line 10). This holder for sheet-like material can be connected to a computer monitor as shown in Fig. 6 of Drain. In this embodiment, a mounting plate 64 is attached to the computer and a channeled member 66 extends from the mounting plate 64. The channeled member includes a pair of opposed channels, with the spacing between the channels such that the holder 10 can be slidably inserted into the channels as illustrated in Fig. 7 (column 5, lines 15-24).

Brown is directed to an electronic novelty device to produce audible sounds. As shown particularly in Fig. 3, the device has a body 14 with a rigid planar bottom surface 34 and a top surface 36 made at least partially of a resiliently deformable material. A pressure sensitive adhesive layer 40 is deposited on the planar bottom surface such that the device can be adhered to a flat surface. The body 14 has a low profile which can be easily concealed. Pushing on the resiliently deformable material closes an underlying switch and activates the unit. Thus, this device is clearly designed to be attached to a wall or similar flat surface and then the top surface pushed by a user to activate the device.

The Examiner contends that the combination of the Donohue striking bag with the Drain sheet-material holder and the Brown novelty unit renders the invention of claim 15

obvious. Applicant respectfully disagrees. Applicant does not believe one of ordinary skill in the exercise or punching bag art would remotely consider attaching such a conventional device as the Donohue striking bag to the side of a personal computer monitor. These devices are designed, as clearly set forth in Donohue, to train boxers in the art of punching and striking. Moreover, Applicant does not believe one of ordinary skill in the art of punching bags would consider attaching such a conventional punching bag to a computer monitor using the Drain paper holder. Utilizing a conventional punching bag like Donohue in a normal manner would break or destroy the Drain paper holding device. Additionally, the Brown electronic novelty device is clearly designed to be attached to a flat surface and then contacted by an operator by pushing on the top deformable surface to activate a switch and produce an audible sound. There is no teaching or suggestion in any of the cited references to place the Brown sound device inside the Donohue striking bag and then attaching the striking bag to a personal computer monitor using the Drain paper holder.

Looking at Applicant's invention as a whole, it is clear that Applicant's invention is designed and configured to be attached to a conventional personal computer monitor to be lightly struck or contacted to relieve the computer operator from the stresses and frustrations that can occur during normal word processing activity. Applicant's device is not configured to train boxers or martial artists in the art of striking and punching, as is the Donohue punching bag. The Examiner appears to be saying that since conventional punching bags are known (Donohue) and Drain shows a holder to attach paper sheets to a computer monitor, then one of ordinary skill in the computer art would clearly find it obvious to attach a conventional punching bag to a computer monitor by a paper holding device to arrive at the claimed invention. However, attaching a conventional punching bag to a computer monitor is not the Applicant's invention. Applicant's invention utilizes a small, lightweight, relatively innocuous punching bag attached to the side of a personal computer monitor that can be lightly struck to help relieve stress. Even if one were to utilize the Examiner's combination, one would wind up with a conventional striking bag somehow connected to a paper holder on the side of a computer monitor with the Brown novelty device somehow attached to the side of the computer monitor. This combination clearly does not result in Applicant's invention. Therefore, reconsideration of the rejection of claim 15 is respectfully requested.

Independent claim 17 is similar to independent claim 15 in that claim 17 is directed to an interactive computer-related stress relief device configured to be mounted to a

desktop personal computer monitor and comprises a support connectable with the desktop personal computer monitor and a contact element connected to the support. The support is an elongated, rigid member having at least one connector configured to engage an engagement element on the computer monitor. The contact element is a punching bag movably connected to the support at a position spaced from the connector and the punching bag includes a sound-producing device. For substantially the same reasons as discussed above with respect to claim 15, Applicant does not believe the cited combination renders the invention of claim 17 obvious.

Claims 25 and 26 depend from claim 15 and are believed allowable for substantially the same reasons as discussed above with respect to claim 15. Moreover, claim 26 includes the limitation that the support is an elongated, plastic member. Applicant does not believe one of ordinary skill in the punching bag art would consider attaching a conventional punching bag by a plastic support, particularly to a computer monitor. Therefore, for all of the above reasons, claims 25 and 26 are believed patentable over the cited prior art and in condition for allowance.

Claims 16 and 28 stand rejected for obviousness over the teachings of Donohue and Drain. In view of the above amendments and remarks, reconsideration of these rejections is respectfully requested.

Claim 16 is directed to an interactive computer-related stress relief device configured to be mounted on a desktop personal computer monitor of a computer system to relieve computer-related stress of a computer operator. The device comprises a support having a first end and a second end, with the first end connectable with the desktop personal computer monitor. A contact element in the form of a punching bag is connected at or near the second end of the support. The support is configured to maintain the punching bag at a spaced position from the monitor. Again, Applicant respectfully traverses the rejection of claim 16 for substantially the same reasons as discussed above with respect to claims 15 and 17.

Claim 28 depends from claim 16 and is believed allowable for substantially the same reason as claim 16.

Claims 18 and 31 stand rejected for obviousness over the teachings of Donohue and Drain in further view of U.S. Patent No. 6,234,940 to Fotsis.

Claim 18, as amended, is directed to an interactive computer-related stress relief device configured to be mounted on a desktop personal computer monitor of a

computer system to relieve computer-related stress of a computer operator. The device comprises a support having a first end and a second end, with the first end connectable with a desktop personal computer monitor. A contact element in the form of a punching bag is connected at or near the second end of the support. The punching bag includes display indicia selected from the group consisting of advertising logos, promotional logos, slogans, company names, service provider names, sports team logos, and sports team names.

Donohue and Drain have been discussed above. Fotsis is directed to a training bag to provide a martial artist or boxer with a training apparatus that simulates the response of the human body when struck (column 1, lines 4-8). The Fotsis training bag 10 is a large, conventional bag that is configured to be punched, kicked, or a combination of both by a martial artist or boxer. The structure of the bag set forth in the Fotsis patent provides the bag with a simulated human body response when struck. However, in column 4, lines 25-31, Fotsis discloses that the outer covering material 34 can be imprinted with indicia 36. Preferably, the imprinted indicia 36 may be a graphical design, symbol, logo, words, etc., or may be a picture or silhouette of a human body or an opponent illustrating the different regions of the body.

The Examiner is combining the Donohue striking bag with the Drain paper holder and the teaching from Fotsis that indicia can be placed on the outside of the Fotsis large training bag to reject claim 18. Again, Applicant disagrees with this combination. Looking at these references, either alone or in combination, there is clearly no teaching or suggestion to connect the Donohue striking bag to the Drain paper holder and then utilize the teaching of the Fotsis martial arts training bag to place indicia on the Donohue striking bag. Moreover, Applicant does not believe one of ordinary skill in the art would attempt to place such indicia on the punching bags since the purpose of conventional punching bags like Donohue is to develop speed and agility with rapid volleys or punches, for which such indicia would be meaningless.

Claim 31 depends from claim 18 and is believed allowable for substantially the same reasons as claim 18.

Claims 24 and 29 stand rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of Donohue, Drain, Brown, and Fotsis. Claim 27 stands rejected for obviousness over the combination of Donohue, Drain, and Fotsis.

Each of claims 24, 27, and 29 includes the limitation that the indicia is selected from the group consisting of advertising logos, promotional logos, slogans, company

names, service provider names, sports team logos, and sports team names. Claim 24 depends from claim 15, claim 27 depends from claim 16, and claim 29 depends from claim 17. Applicant believes these claims are patentable over the cited prior art for substantially the same reasons as discussed above with respect to independent claims 15, 16, and 17, from which they depend.

#### New Claim 32

Claim 32 is directed to a method of relieving computer-related stress caused by the operation of a personal computer system by utilizing a stress relief device of the invention. Claim 32 finds support in originally filed claims 1-14 as set forth, for example, in the Amendment of April 16, 2003. These method claims were canceled when the Examiner identified allowable subject matter in the apparatus claims. However, the Examiner subsequently withdrew the allowability of these apparatus claims. Therefore, Applicant is introducing new claim 32 which finds support in canceled claims 1-14. Examination and allowance of claim 32 are respectfully requested.

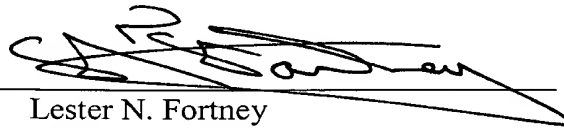
#### Conclusion

In view of the above amendments and remarks, reconsideration of the rejections of claims 15-18 and 24-31 and allowance of all of claims 15-18 and 24-32 are respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON  
ORKIN & HANSON, P.C.

By



Lester N. Fortney  
Registration No. 38,141  
Attorney for Applicant  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219-1818  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: webblaw@webblaw.com